

heard, refused to entertain the case until the status of the parties had been determined by an ecclesiastical tribunal. We should suppose there must be some mistake about this, and that no judge of a civil court would thus abdicate his functions, but if any civil judge so far misunderstood his duty, we are disposed to think that he ought to be called very sharply to account by the Minister of Justice.

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*THE COMMONWEALTH OF AUSTRALIA.*

The union in Federal form of the Australian Provinces is a great political fact, making a step forward towards that larger Imperial union which is now foremost in the minds of people of British blood in all parts of the Empire. It is, however, with the constitutional features of the scheme, rather than with its political importance, that it is our province to deal.

The Australian Federation, embracing so far the colonies New South Wales, Victoria, Queensland, South Australia, and Tasmania, with power for the admission of West Australia and New Zealand, is based partly on the American, and partly on the Canadian system. It differs from the former in adhering to the principle of responsible government as understood in Great Britain and Canada. It differs from the latter in adopting the American plan of giving to the federated states, or provinces, all the powers not specially conferred upon the central authority. This difference in the distribution of powers between the central and provincial authorities is one of great importance. The tendency in the one case towards centralization, and in the other towards disintegration, has been frequently exemplified in the history of Canada, and of the United States. Conflicts in both countries have arisen; in the former from encroachments by the central governments upon the powers delegated to the Province; in the latter from attempts on the part of the States to claim authority in matters especially defined as within the jurisdiction of the Federal Government. In neither case is it possible so exactly to define the limits of the several powers that debatable questions, and doubtful points, will not arise. Happily for us we have been able to settle such disputes by referring them to the arbitration of the Supreme Court, and, in the last resort, to the judgment of the Privy Council. The power of appeal from the Supreme Court to the Imperial Privy Council upon questions arising